

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SARA SPENCER,

Defendant.

8:17CR384

ORDER

This matter is before the Court on defendant Sara Spencer’s (“Spencer”) renewed Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A) (Filing No. 39). The Court denied Spencer’s prior request (Filing No. 37) without prejudice so she could present her changed circumstances to her warden before seeking judicial review (Filing No. 38). *See id.* § 3582(c)(1)(A) (authorizing a prisoner to seek a sentence reduction in court after exhausting her administrative remedies or thirty days after her warden receives her request to file a motion on her behalf). Spencer’s latest submission includes a “Response to Inmate Request to Staff” from her warden dated October 14, 2022, denying Spencer’s request for a sentence reduction.

On initial review of Spencer’s current request, the Court finds she has potentially raised a colorable claim under § 3582(c)(1)(A)(i). The Court further finds that appointing counsel to assist Spencer with her motion will aid the Court in determining whether her stated medical and familial circumstances warrant any sentencing relief. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Spencer for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce her term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a

draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.

3. If upon review the Federal Public Defender should conclude that Spencer's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Spencer's request for a sentence reduction and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Spencer's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Spencer's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Spencer's request for sentencing relief and provide any evidence necessary to the Court's disposition of her motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 27th day of February 2023.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge